

Rother District Council

Report to: Licensing and General Purposes Committee

Date: 18 January 2021

Title: Surveillance Activity Annual Update

Report of: Chief Executive

Ward(s): All

Purpose of Report: To note the Council's annual report on covert surveillance

Officer

Recommendation(s):

Recommendation: It be **RESOLVED:** That the Council's 2020 annual update report on covert surveillance be noted.

Introduction

1. As Members will be aware the Council has a range of surveillance powers under current legislation. These powers are covered by a Council policy and the express approval of a senior officer. This report brings an annual report for Members, in line with the inspecting officer's recommendations.

Report Findings and Recommendations

2. In May 2020 the Investigatory Powers Commissioner's Office completed an inspection of Rother's Surveillance Powers. These are carried out around every four years and in this case was completed by reviewing the Council's Policy and records, together with a comprehensive interview with the Council's RiPA Co-Ordinator. This inspection was successful, but in the nature of an inspection, a number of recommendations were made for the future.
3. The key recommendations coming from the report were that:
 - a. The Council's Policy needed to be updated to cover the surveillance of social media.
 - b. Staff training should be brought up to date.
4. In order to keep Members up to date in this area, it was proposed that an annual update report be brought to this committee. It is important to be aware that Rother's use of legal powers for surveillance is very limited. The last time the Council applied for these powers was in 2015. Rother's approach is fundamentally on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.

- In late July 2019 an external trainer provided comprehensive training over two days across the full range of covert powers. Day one was for senior managers and authorising officers, with day two covering a range of sessions on the use of social media for a range of investigators and benefits officers.

Reporting for 2020

- In taking the opportunity to update Members, there was no use of legally approved surveillance powers in 2020. As stated in the previous paragraph, the last time the Council applied, and were granted surveillance powers by a Magistrate was in 2015. Aside from the recommendations in the inspection report there is nothing further to update Members on.

Conclusion

- The annual report to Members on surveillance activity meet the key recommendations of the Surveillance Commissioner's report. The next inspection is likely to be in 2023. The importance of undertaking surveillance activity in a way which conforms to legal requirements, is critical. However, it must be emphasised, that these powers are very rarely used by the Council. Equally, to re-assure Members on the enforcement work undertaken by the Council, there are many other observations and investigations that are carried out overtly that are not captured by this policy.

Human Rights Implications

- Any use of the Council's Covert Surveillance Powers must comply with the Human Rights Act, in particular the right to private and family life. Any breach of the Act or the Codes of Practice can lead to a claim for damage.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None